

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER L. DECOTEAU,

4:14CV3165

Plaintiff,

v.

**MEMORANDUM  
AND ORDER**

ROBERT HOUSTON, MICHAEL  
KENNEY, Director, RANDY KOHL,  
Medical Director, DIANE SABAKA  
RHINE, Warden, CHRISTINA  
FERGUSON, Doctor, CHARLES  
COREN, Eye Clinic, and  
KHYRSTYNA DORITY,

Defendants.

This matter is before the court on Plaintiff Christopher Decoteau's "Motion to Compel Discovery" (Filing No. [20](#).) The court previously determined this action may proceed to service of process as to the plaintiff's claims against Robert Houston, Michael Kenney, Diane Sabaka Rhine, Christine Ferguson, Charles Coren, Randy Kohl, and Khrystyna Dority in their individual and official capacities. (*See* Filing No. [19](#) at CM/ECF p. 7.)

The plaintiff states that he is unable to obtain current addresses for Defendants Charles Coren, Robert Houston, Michael Kenney, and Diane Sabaka Rhine because they are no longer employed by the Nebraska Department of Correctional Services. The plaintiff is proceeding *in forma pauperis* in this matter and is, therefore, entitled to rely on service by the United States Marshals Service. *See Beyer v. Pulaski County Jail*, 589 Fed. Appx. 798, 799 (8th Cir. 2014) (quoting *Richardson v. Johnson*, 598 F.3d 734, 739-40 (11th Cir. 2010) (unreasonable to expect incarcerated pro se prisoner-litigants to provide current addresses of prison-guard defendants who no longer work at prison)); *see also id.* (quoting *Graham v. Satkoski*, 51 F.3d 710, 713

[\(7th Cir. 1995\)](#) (when court instructs Marshal to serve papers for prisoner, prisoner need furnish no more than information necessary to identify defendant; Marshal should be able to ascertain defendant's current address)). The plaintiff has provided addresses for Defendants Randy Kohl, Christina Ferguson, and Khristyna Dority. (See Filing No. [20 at CM/ECF p. 1.](#))

IT IS ORDERED:

1. The clerk of the court is directed to complete and issue summonses for Defendants Robert Houston, Michael Kenney, Diane Sabaka Rhine, Christine Ferguson, Charles Coren, Randy Kohl, and Khristyna Dority in their official capacities. See [Fed. R. Civ. P. 4\(j\)](#) (“A state . . . that is subject to suit must be served by: (A) delivering a copy of the summons and of the complaint to its chief executive officer; or (B) serving a copy of each in the manner prescribed by that state’s law for serving a summons or like process on such a defendant.”). The clerk of the court is further directed to deliver the summonses, the necessary USM-285 Forms, the Complaint (Filing No. [1](#)), the Amended Complaint (Filing No. [18](#)), and a copy of this order to the United States Marshals Service for service of process.

2. The clerk of the court is directed to complete and issue summonses for Defendants Randy Kohl, Christina Ferguson, and Khristyna Dority in their individual capacities at the address provided by the plaintiff. (See Filing No. [20 at CM/ECF p. 1.](#)) The clerk of the court is further directed to deliver the summonses, the necessary USM-285 Forms, the Complaint (Filing No. [1](#)), the Amended Complaint (Filing No. [18](#)), and a copy of this order to the United States Marshals Service for service of process on Defendants Randy Kohl, Christina Ferguson, and Khristyna Dority in their individual capacities.

3. The clerk of the court is directed to obtain the last known addresses for Defendants Charles Coren, Robert Houston, Michael Kenney, and Diane Sabaka

Rhine from the United States Marshals Service. Upon obtaining these addresses, the clerk of the court is directed to complete and issue summonses for Defendants Charles Coren, Robert Houston, Michael Kenney, and Diane Sabaka Rhine in their individual capacities at the addresses provided by the United States Marshals Service. The clerk of the court is further directed to deliver the summonses, the necessary USM-285 Forms, the Complaint (Filing No. [1](#)), the Amended Complaint (Filing No. [18](#)), and a copy of this order to the United States Marshals Service for service of process on Defendants Charles Coren, Robert Houston, Michael Kenney, and Diane Sabaka Rhine in their individual capacities.

4. The clerk of the court is directed to file under seal any document containing the last known addresses for Defendants Charles Coren, Robert Houston, Michael Kenney, and Diane Sabaka Rhine.

DATED this 17th day of June, 2015.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge

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